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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,579	12/21/2000	Jani Pirkola	617-009969-US(PAR)	2029

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Perman & Green, LLP
425 Post Road
Fairfield, CT 06430

EXAMINER

MOORMAN, EARL J

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 05/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

22 DEC 99

Office Action Summary

Application No.

09/745,579

Applicant(s)

PIRKOLA ET AL.

Examiner

Earl J. Moorman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-14** are rejected under 35 U.S.C. 102(e) as being anticipated by Prior et al. [U.S. Patent Number 6,349,220] (hereinafter Prior).
3. Regarding **claim 1**, teaches a hand held communication device [FIG.1] comprising a display [FIG.1, numeral 3], said display in use have a plurality of different regions, at least one function being selectable via at least one region and a touch sensitive region [FIG.6a, numeral 60], said touch sensitive area being arranged so that movement with respect to the touch sensitive area region causes an indicator to move across said display wherein said indicator is arranged to move only from one region to another [col.1, lines 25-63, col.4, lines 47-67; col.5, lines 1-5]

4. Regarding **claim 2**, teaches a device wherein said touch sensitive region is arranged to detect movement of a users finger across the touch sensitive region [col.1, lines 48-63; col.4, lines 47-67; col.5, lines 1-5].
5. Regarding **claim 3**, teaches a device wherein said touch sensitive region is arranged to detect movement of a tool across the touch sensitive region [col.1, lines 48-63; col.4, lines 47-67; col.5, lines 1-5].
6. Regarding **claim 4**, teaches a device wherein said touch sensitive region comprises a surface [col.1, lines 48-63; col.4, lines 47-67; col.5, lines 1-5].
7. Regarding **claim 5**, teaches a device wherein said touch sensitive region is a touch pad [col.1, lines 48-63; col.4, lines 47-67; col.5, lines 1-5; col.5, lines 26-32].
8. Regarding **claim 6**, teaches a device wherein said touch sensitive region comprises a rolling means [FIGs. 10 & 11; col.1, lines 48-51; col.7, lines 61-67; col.8, lines 1-6].
9. Regarding **claim 7**, teaches a device said rolling means is arranged to move said indicator in two directions about a single axis [FIGs. 10 & 11; col.1, lines 48-51; col.3, lines 33-60; col.7, lines 61-67; col.8, lines 1-6].
10. Regarding **claim 8**, teaches a device wherein said rolling means is arranged to move said indicator in a plane containing two perpendicular axis [FIGs. 10 & 11; col.1, lines 48-51; col.3, lines 33-60; col.7, lines 61-67; col.8, lines 1-6].
11. Regarding **claim 9**, teaches a device wherein said touch sensitive region is arranged on a first side of said device and said display is arranged on a second side [FIGs. 6 & 7; abstract; col.1, lines 25-37].

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12. Regarding **claim 10**, teaches a device wherein said first and second sides are opposite one another [FIGs. 6 & 7; abstract; col.1, lines 25-37].

13. Regarding **claim 11**, teaches a device wherein said touch sensitive region is provided in conjunction with said display to provide a touch sensitive display [col.1, lines 48-63; col.4, lines 47-67; col.5, lines 1-5].

14. Regarding **claim 12**, teaches a device wherein said indicator is a cursor [col.1, lines 38-47].

15. Regarding **claim 13**, teaches a device wherein said device is a mobile telephone [abstract; FIG.1; col.1, lines 25-31].

16. Regarding **claim 14**, teaches a method of controlling a hand held communication device [FIG.1] comprising the steps of operating a touch sensitive region [FIG.6a, numeral 60] so as to cause an indicator to move across a display [FIG.1, numeral 3] of the communication device, controlling the indicator to move only from one region to another across the display and selecting a function associated the region where the indicator is located when said selection step is performed [col.1, lines 25-63, col.4, lines 47-67; col.5, lines 1-5].

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Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nieminen [U.S. Patent Number 6,526,296]

Sirola et al. [U.S. Patent Number 6,415,138]

Hillenmayer [U.S. Patent Number 5,719,936]

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Earl J. Moorman whose telephone number is (703) 305-8158.

The examiner can normally be reached on Monday-Friday 7:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William G. Trost can be reached on (703) 308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-9508 for regular communications and (703) 305-9508 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Earl Moorman
May 5, 2003

EJM



WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600